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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/714,974

11/18/2003

Michael F. Hollick

DWE/HOLLICK II CIP

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32834

7590

06/13/2006

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18 DOWNSVIEW DRIVE  
BARRIE, ON L4M 4P8  
CANADA

EXAMINER

MAI, TRI M

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/714,974 | <b>Applicant(s)</b><br>HOLICK, MICHAEL F. |  |
|                              | <b>Examiner</b><br>Tri M. Mai        | <b>Art Unit</b><br>3727                   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: ____ | 6) <input type="checkbox"/> Other: ____  |

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1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Geddes, Sr. (D371676). Geddes, Sr. teaches a caddy having a miniscule seat having a back, two side portions enclosing the sides and rear of the seat and at least one handle portion extending rearwardly. With respect to the handle being engaging the conveyance, it is submitted that it is an intended use.

Regarding claim 2, note that the term "pommel" is broad. One of the partially extending strap is the pommel means as claimed.

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geddes, Sr. It would have been obvious to one of ordinary skill in the art to provide the caddy in the size as claimed to provide the desired dimension for the device.

4. Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Meier, Jr. (2700493). Meier, Jr. teaches a caddy having a two side portions enclosing the sides and rear of the seat and two handles portion 26 extending rearwardly.

Note that the basket inherently has four sidewalls, and the front wall is the pommel means as claimed.

Regarding claim 5, the boss 44 being tapered.

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5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geddes, Sr. or Meier, Jr. It would have been obvious to one of ordinary skill in the art to provide the caddy in the size as claimed to provide the desired dimension for the device.

6. Claims 1, 3, and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Reynolds et al. (3505691). Reynolds teaches a caddy having a two side portions enclosing the sides and rear of the seat and two handles portion 55 extending rearwardly.

Regarding claim 5, note the taper mounting boss 50.

Regarding claim 7, note the two handle portions 55 are flexible and substantially coplanar with the two side portions as claimed.

7. Claims 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Studebaker (3992057). It would have been obvious to one of ordinary skill in the art to provide a pommel means 17 as taught by Studebaker to keep the child secured.

Regarding claim 4, it would have been obvious to one of ordinary skill in the art to provide a strap means with hook and eye means to keep the content secured.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds or It would have been obvious to one of ordinary skill in the art to provide the caddy in the size as claimed to provide the desired dimension for the device.

9. Claims 1, 2, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by either Ferney (3325038) or Taub (3907104). Ferney teaches a caddy having Reynolds teaches a caddy having a two side portions enclosing the sides and rear of the seat and two coplanar handles portion 10 extending rearwardly. With respect to the handle being engaging the conveyance, it is submitted that it is an intended use.

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10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Ferney or Taub. It would have been obvious to one of ordinary skill in the art to provide the caddy in the size as claimed to provide the desired dimension for the device.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai  
Primary Examiner  
Art Unit 3727

